

Exhibit A

1 William B. Curtis, *admitted pro hac vice*
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5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 IN RE BARD IVC FILTERS
9 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

10 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
11 **TRIAL**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

14 Plaintiff(s) further show the Court as follows:

- 15 1. Plaintiff/Deceased Party:

16 Cargin Madison, III

- 17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
18 consortium claim:

19 n/a

- 20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
21 conservator):

22 n/a

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Mississippi

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Mississippi

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Mississippi

7. District Court and Division in which venue would be proper absent direct filing:

USDC Western District of Indiana, USDC for the District of Mississippi

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

July 2, 2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- 1 ☒ Count X: Breach of Express Warranty
- 2 ☒ Count XI: Breach of Implied Warranty
- 3 ☒ Count XII: Fraudulent Misrepresentation
- 4 ☒ Count XIII: Fraudulent Concealment
- 5 ☒ Count XIV: Violations of Applicable Louisiana Law Prohibiting Consumer
- 6 Fraud and Unfair and Deceptive Trade Practices
- 7 ☐ Count XV: Loss of Consortium
- 8 ☐ Count XVI: Wrongful Death
- 9 ☐ Count XVII: Survival
- 10 ☒ Punitive Damages

11 Other(s): _____ (please state the facts supporting this

12 Count in the space immediately below)

13 _____

14 _____

15

16 Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

19

20

21

22

1
2 RESPECTFULLY SUBMITTED on this 9th day of February, 2018.

3 **CURTIS LAW GROUP**

4
5 By: /s/ William B. Curtis

6 William B. Curtis, *admitted pro hac vice*
7 (TX SBN: 00783918)

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9 Dallas, TX 75243

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12 Email: bcurtis@curtis-lawgroup.com

13 *Attorney for Plaintiff*

14
15 I hereby certify that on this 9th day of February, 2018, I electronically transmitted the
16 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
17 of a Notice of Electronic Filing.
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19
20
21
22

15 /s/ William B. Curtis

16 William B. Curtis

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Cargin Madison, III

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Maricopa

Defendant(s): Bard Peripheral Vascular, Inc. ; C.R. BARD INC.

County of Residence: Maricopa

Plaintiff's Atty(s):

**William B Curtis
Curtis Law Group
12225 Greenville Ave., Suite 750
Dallas, Texas 75243
214-890-1000**

Defendant's Atty(s):

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**
Defendant:- **4 AZ corp or Principal place of Bus. in AZ**

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

367 Health Care/Pharmaceutical Personal Injury Product Liability

VI.Cause of Action:

28 U.S.C. § 1332

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **Yes**

VIII. This case **IS RELATED** to Case Number **MDL 2641** assigned to Judge **David G. Campbell.**

Signature: **William B. Curtis**

Date: 2/09/2018

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014